G.R.S. 57.]

GR. 408-14; 3 2
GR 40-14-31; 3
GR 408-14; 28, 29 Legis **File No.** 26-15
GR 408-14; 8, 12, 14 29
C.R. 313-37-(1-4) **Serial Nos.** 1-3

1905-16
(Legis) Legis 26-15-1 to 3

GENERAL AND REVENUE SECRETARIAT.

(Legislation.) Preserve AM 28/7/19

Part A: Manuscript
for December 1916.

Serial Nos. 1—3

500—20-3-06.
GPB—5,

1915-16 Legn File No. 26-15.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF ~~MX~~ MYSORE.

Proceedings of the General and Revenue Secretariat.

(Legislation)

December 1916

"A" Collection, Serial Nos. 1 to 3

TABLE OF CONTENTS.

Serial No of file.	Number and date of letter and contsnts.	Refe-rences.	Page in Part A.
	D.O No 3508 dated 20th November 1915 from the Hon'ble the Resident in Mysore forwards copies of the Minor Tank Restoration Bill & the Bill to amend the Mysore Tank Panchayet Regulation, 1911, with Statements of objects & reasons & states that they will be placed before the Legislative Council in due course. W.D. 2201		
2	DO No 85-40, dated 25th November 1915 from the First Assistant to the Hon'ble the Resident in Mysore & the Dewan states that the Resident sees no prima facie objection to the action proposed.		(1)
3	No F 2300 dated 28-12-1916, to the Compiler, Mysore Gazette Order the publication of the Regulations to amend the Tank Panchayet Regulation, 1911 &, the the Minor Tank Restoration Regulation as Regulations XII & XIII of 1916.		

F. R. S. '11] 191/5 — 16

GENERAL AND REVENUE SECRETARIAT.

(Leys)

NOTES.

File No. 26-15

FILE HEADING.

From

No.	Dated		Received
Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

G.R.S. 13

Routine Notes

To be used only for notes, requisitions, etc., not intended for permanent record.

OJ

B v L

Immediate

Mss 188-14

Please take all necessary further action regarding supplementary interrogatories to be administered with a view to the scheme of human contentions matter sanctioned by Court

P. G. D'Souza
B
10/2/15

M. Ranga Rao 10/2/15

L R
MR 14

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

FB

GPB—45,000—19-5-08

Serial No.

necessary achin to give effect to the new scheme for the restorahin & construchin of ~~tank~~ minor tanks.

2) I. distinchin between major & minor tanks

Under sec 2(2) of the Tank Panchayat Regn a tank with an atchkat of Rs 300/- is a major tank. But under rule I of the restorahin rules of 1904 such a tank is minor. The words "not less than Rs 300" appearing in section 2(2) of the Regn may be altered into "more than Rs 300/-"

3) II. Number of tanks that will be taken up for restorahin during the current year.

(Para 6 of G.O. No. R 5042-89/CR 408-14-1911-12-14)

9 The Revenue Commr has already furnished a list showing the number of tanks in each dist, that will be taken up for restoration during the current year.

4) III Training of educated villagers as maistries.

According to para 8 of the above Govt order the Chief Engr has to submit detailed proposals in the matter. A draft requesting the Chief Engr to expedite them has been separately submitted.

NOTE—Contn. sheet.

GPS—25,000—2-11-14

Serial No.

5) IV Additional allotment of funds.
[Para 9 of the G.O of 11-12-14]

The Revenue has applied for an additional grant of Rs 97,000 & action is being taken separately to provide this amount.-

6) V Rules of procedure in regard to the payment of the Govt share of the Contribution [Para 10 of the same G.O.]

A draft requesting the Accountant to submit detailed rules in the matter has been separately submitted.

7) VI. Legislative action
[Para 11 of the same G.O.]

According to this, action has to be taken to legalize the provisions of rules 17 & 18 sanctioned under the order. Section of the Tank Panchayet Regulation has perhaps to be suitably amended, and a new ~~bill~~ enactment passed in respect of the villages in which Tank Panchayets have not been constituted. The question may, if approved, be referred to Branch III for favour of early consideration.

Submitted for orders.

Sh 2/2/15. (Action is required to be taken as regards I & VI

8 S.S.

3/2/15

NOTE—Contn. sheet.

SPB—25,000—2-11-14

Rec 108-14.

F. R. S. 12]

General and Revenue Secretariat. File No. of 191

(4

Serial No.

9) I remember having dealt fully with the various aspects of the question in a note put up by me in connection with the framing of the new rules. Please put up that file.

N. Rama Rao
8 2 15

9) The file in question is herewith submitted.

Ah
3/2/15.

S.S
3.2.15

10) Submitted with a typed copy of a note kept in Asst Secy's file as personally directed by him.

Ah
S.S
5/2/15

N. Rama Rao
5 2 15

11) The amendments suggested in the draft of a new Regulation put up seem to be suitable. They have been drawn up with much care by Mr. Rama Rao. Further action may be taken early in Br III.

P. C. D'Souza
5/2/15

J. Rec 369-14

12) I agree. The draft may be scanned in Br III and submitted to First Member.

N. Rama Rao
6.2.15

To Br III 3.30 pm

Left

NOTE—Contn. sheet.

GPB—25,000—2-11-14

Dfee

N. Rama Rao
9 2 15

J Mrs 359-14

(5

A. R. S. 12]

General and Revenue Secretariat. File No. of 191

Serial No.

13) Subd. The title of the Bill has to be fixed. It may perhaps run as follows. "A Bill for facilitating the working of schemes for the restoration of minor tanks". A copy of the Tank Panchayet Regn is put up. Under that Regn (sec: 16 B) with the approval of a majority of not less than 2/3 of the raiyats a Tank Panchayat may undertake the construction restoration or improvement, as the case may be, of a minor tank, with the exception of the masonry & stone work which shall be executed by Govt. Hence the Tank Panchayet Regn does not need any amendment.

S.V.S

N.N

14) In order to bring the Rules framed by Govt into harmony with the Tank Panchayet Regulation, it seems necessary to amend the Regulation in the points noted in the Administrative Branch. As regards S 46, Cl not only the words "the masonry and stone work required shall be executed by the Govt at its cost," should be deleted, but also the words "but, if the Panchayet undertakes to execute it, such work may also be attended

NOTE—Contn. sheet.

GPB—25,000—2-11-14

J. Mis 359 - 14

R. S. 12]

General and Revenue Secretariat.

File No. of 191

6

Serial No.

...ppn Dy Commissioner, be entrusted to the Panchayat.

13) The two clauses (1) (2) may be combined into one and the present clause (3) may be numbered as (2)

14) A draft adopting the above proposals is submitted for approval

15) As regards the New Regulation proposed by Branch I, there is an omission of an important Section. There is no Section corresponding to Rule 18 of the rules framed by Govt. There are only two ways in which a liability of an individual can be enforced as if it were an arrear of land revenue, viz either under an agreement under a statute. A revised draft of the Regulation is also put up for approval.

G. Srinivasa Murthy
Es
27/5

(Asst. Member)

16) I think the drafts are all right & may be placed before the Council.

H.V. Nanjundayya
8/6/15

Dewan

7770
9.6.15.

17) Circulate for Council

H.V. Nanjundayya (Asst. Commr.)

Dewan 9/6
G. Srinivasa Murthy 9/6.
Circulation 21

11/7/15

NOTE—Contn. sheet.

Council Meeting
Circulate
D. M. Narasimhaiah
N Rajasekhara

GPB—29,000—2-11-14

For disposal by Circulation. 21450

No. C. 18.

15.7.1915.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ii of the Schedule).

The draft Minor Tank Restoration Bill, and

A Bill to amend the Tank Panchayet Regulation, 1911.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narasimha Rao

15th July 1915. Offg. *Secretary to Government.*

Extraordinary Member of Council. Opinion recorded by the Extr. Member 9/10/17

First Member of Council. Opinion recorded by the First Member of Council.

Second Member of Council. Do by the Second member of Council 9/10/17

GPB—1,000—3-2-14

Serial No.

18) Drafts approved
Secd mr Kandaraya Adv
16/7/15

19) Draft Submission Note is Submitted
C. Srinivasa Iyer
28/7

(Asst. Member)

20) On looking further over the draft, I see that the Minor tanks bill is not appropriate. I have amended the draft Please type it & circulate again —

26/7/15 H. V. Nanayakkara
D. M. Ranasinghe
28/7 C. Srinivasagam

21) Subd. with a typed copy of the draft as revised by the 1st member
28/7/15 S. V. S
N. V.

22) Submitted for favour perusal & circulation

28/7
C. Srinivasagam

23) Secretary
Consideration — Disposal by circulation (cold order)
D. M. Ranasinghe

24) The revised draft approved

30/7
D. M. Ranasinghe

NOTE—Contn. sheet.

GPB—25,000—2-11-14

G. R. S. 12]

General and Revenue Secretariat. File No. of 191

Serial No.

Powers

Margin to appear

MINOR TANK RESTORATION BILL. 12 pt Bold.

25) 1. The preamble seems to be rather vague. The following may perhaps be substituted for it.

"Whereas it is expedient to provide for cases of disagreement among holders of lands in regard to the construction or restoration of a minor tank and for the recovery of the cost thereof in such cases, His Highness the Maharaja is pleased to enact as follows:-"

I prefer the original preamble.

2. Clause 3. In the third line, after the words "minor tank", the words "proposed to be restored" may be added.

Seems unnecessary & the Context.

Also after the words "notice thereof" occurring in the latter part of this clause, the words "under the hand of such officer" may be added to make it clear by whom the notice is to issue.

May be adopted, but the restriction may operate inconveniently often.

3. Clause 4. For "arrears", the words "an arrear" may perhaps be substituted.

The word is used in the plural more generally & I do not like the expression ('an arrear' personally.

4. Clause 5. "Notice of a service" is clearly a clerical mistake for "Service of a notice."

Yes.

TANK PANCHAYET AMENDMENT BILL.

26) 1. Clause 2. It is a question whether the words "the estimated cost of such work being advanced to the panchayet by Government" may not be omitted. The rules in force lay down by whom the cost is to be met and in what proportion. Besides,

I agree

NOTE—Contn. sheet.

G P B—60,000—7-11-13

Serial No.

the estimated cost, meaning the whole of it, is not ordinarily advanced to the Panchayet by Gover ment. Section 10 of the Regulation provides for any grant made by Government being treated as a Tank Fund.

27) 2. Does not the definition of the word - "Raiyat" require amendment? Not all the individuals mentioned in Rule 2 of the Tank Maintenance Rules are liable to contribute for the restoration of a minor tank but only those who hold lands under it. (Vide Govt. Proceedings No.R.1869-79 L.R.564 11-2 dated 25th August 1913 and also para 9 of th Rules governing the restoration and construction of minor tanks in Mysore appended to Government - Order No.R.5042-89 L.R.408-14-1 dated 11th December 1914). Perhaps the words "and in the case c the restoration or construction of a minor tank, the individuals holding land under it" may be add ed at the end of Sec.2, sub-section 9 of the - - Regulation.

I do not think it necessary as the term is not used in the amendments proposed & there is not question of imposing any fresh obligation on those not occupying lands.

+ K.R.W 10 10.8.16.

Dm Navalsinga Rao

C. Srinivasa Iyer

28) Submitted with the marginal note of the First Member

C. Srinivasa Iyer 16/8

Dm Navalsinga Rao

Secretary (Dm Navalsinga Rao)

Dm Navalsinga Rao

C Srinivasa Iyer

NOTE—Contn. sheet.

GPB—60,000—7-11-13

R. S. 12]

General and Revenue Secretariat. File No. of 191

Serial No.

29) I agree that it is not necessary to amend the definition of the word "Raiyats", while it is clearly stated in the notifications referred to in the definition of "customary obligations" who are responsible for the maintenance and up-keep of minor tanks, there is no such clear statement in those notifications as to the individuals on whom the obligation of restoring a minor tank devolves. That it was not clearly understood on whom this responsibility lay is apparent from the Government Order dated 25th August 1913 referred to above. To remove all doubt, it seems desirable to state clearly in Sec.16 (1) of the Tank Panchayat Regulation whose consent should be obtained for taking up the restoration &c., of a minor tank. For this purpose the words "holders of irrigable lands under a minor tank" may be substituted for "raiyats" and "of the tank" for "a minor tank" in the proposed amendment of Sec.16 (1) of the Regulation.

This may be considered.

K.N.R.W. 26.8.16

30) This may perhaps be considered at the next meeting.

First Member Secretary

G. Srinivasa Ey 29/8

T. V. Mayandayyar

31/8/15

NOTE—Contn. sheet.

GPB—25,000—2-11-14

R. S. 12.]

General and Revenue Secretariat. File of 191

Serial No.

31) Submitted

28/9

Secretary

C.S

31)

To be decided

31/9

12

GPB—65,000—17-6-12.

12

G. R. S.

Extract from the Proceedings of the 363rd Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 29th September 1915

---

14. SUBJECT. - (Clause 11 of the Schedule).

The draft Minor Tank Restoration Bill; and

A Bill to amend the Tank Punchayet Regulation. 1911.

OPINION OF THE COUNCIL.

33) The Bills may be approved.

(Sd) M. Visvesvaraya
Dewan of Mysore.

13

"Extract"

D. M. Narasiah 1915

Secretary to Government,
General Department.

GPB—2,000—5-5-10

MS 359-16

Bell

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Assistant Secretary, Branch III will kindly submit the file to the First Member of Council with a draft Final Note.

Dm Navabrya Menon

29/10/15

A. Srinivasa Raghava

Draft Final Note submitted for approval

29/10/15

A Srinivasa Raghava

First Member

Final note approved and signed by First Member is put up

MJ 29.10.15

14

D S/14 dated 29/10 Dm Navabrya Menon

29/10

Draft Submission Note is submitted for approval

29.10

A Srinivasa Raghava

Secy

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—5-8-15

Final Note by the First Member of Council.

Subject:—

The Minor Tank Restoration Bill and Amendment of the Tank Panchayet Regulation, 1911.

---

34) In order to give effect to the scheme recently issued under Government Order No.× R.5042-89-L.R.408-14-1 dated 11th December 1914, regarding the restoration of minor tanks, legislation is considered necessary - for -- making the consent of the majority binding on the minority and for the recovery of the amount of contribution due from the raiyats as an arrear of land revenue. A draft Minor Tank Restoration Bill has therefore been prepared.

× Flag V

2. 35) Again under the rules of× 1904 issued in connection with the restoration of minor tanks a tank with an atchkat of Rs.300 is classed as minor whereas under clause (2) of section 2 of the Tank Panchayet Regulation 1911, such a tank is a major tank. The rules issued in December 1914 on the subject repeal the order that the raiyats should do the earth work and Government the stone and masonry works. To bring these rules and the Regulation into harmony with each other, a Bill to amend the Regulation has also been prepared . These Bills were considered and approved by the× Council.

× Flag W

× Page 12 of office notes.

3. 36) The approval of His Highness is required for their promulgation.

H. M. Mayne

First Member of Council.

Dated 28/10/15

14

Submitted to His Highness.

× Flag A.

draft for approval I II

37) I submit herewith a 'final' note by the First Member on the draft Minor Tank Restoration Bill and the Bill to amend the Tank Panchayet Regulation, 1911, and solicit sanction to place the Bills before the Legislative Council.

M. Krishnaya

16th Jan. 1915.

16

15

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Permission to place before the Legislative Council the draft Minor Tank Restoration Bill and the Bill to amend the Tank Panchayet Regulation 1911.

4/10

Order.

38)

~~KRAW~~

11/11/15

17

Secretary's Dy
12.11.15.
Dewan
C.o
O.M. Narasinga Rao

39) Draft to Residency
C.o
13/11

A. Srinivasa Rajan

F. R. S. 12] Jud 2559-14 & 1450

General and Revenue Secretariat.

Legis File No. 26 of 1915.

Serial No.	
	40) Subv. with a draft d.o. to the Residency. This has to issue from the Dewan's Office. S.V.S. 15/11/15 N.N. C. Srinivasa Iyer 15/11
	Secy Dewan) D.M. Nanabhoy Rao 19/11 C. Srinivasa Iyer
	41) The draft d.o. letter approved by the Dewan has been issued and placed on file (vide D.O. No. 3508 dated 20.11. C.R. 22.11.15. C. Ed. R. D.M. Nanabhoy Rao Dewan 23/11
1	C. Srinivasa Iyer 23/11 The Honble Col Sir Hugh Daly Resident in Mysore D.O. No 3508 20-11-1915 forwards the copies of the Mysore Bank Restoration and the bill to amend the Mysore Bank Banchayat Regulation, 191 and states that the two Bills will be placed before the Legislative Council
2	No 8540 dated 25/11/15 From the J.A. Resident informs that there is no prima facie objection to the
	42) Subv. The Bill will be included in the agenda for the next meeting Orders are required as to the Member of Council who will take charge of the Bill S.V.S. 1/12/15 N.N.

2506 19.11.15

SA 24/11 Legr 24/11

L. III

NOTE—Contn. sheet.

GPB—20,000—30-6-15

J 1450

17

G. R. S. 12]

General and Revenue Secretariat.

Legs. File No. 26 of 1915-16

L III

Serial No.

43) Submitted for favour of orders

EB 1/12

A. Srinivasa Ayyar

(First Member)

44) Yes The same Vakil may be as heard Charge before.

H. V. Nanjunda Ayyar

2/12/15

45) If the 2nd Member agrees, it may be taken up by him. Otherwise by me.

H. V. Nanjunda Ayyar

2/12/15 O. M. Nanabhoy Rao

Order 3/12

46) For favour of instructions

A. Srinivasa Ayyar EB 3/12

(Second Member)

I have no objection to Mr. Kantaraj Urs's Vakil

4/12 O. M. Nanabhoy Rao

Order 6/12/15.

A. Srinivasa Ayyar

Legs

19

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

J 1450

18

R. S. 12]

General and Revenue Secretariat.

Legis File No. 26 of 1915

Serial No.

Submitted ~~the Bills~~ Leave to introduce the Bills was granted by the Legis. Council on the 28th Jan: 1916 and they were read and referred to a Select committee on the 28th April 1916. The Reports of the Select Committees thereon were considered and ~~passed~~ the Bills as amended were passed on the 5th Dec: 1916. His Highness' sanction is now required for promulgating the Bills into law. Draft Final note and Submiss note are put up together with copies of the Bills as finally passed by the Legis. Council and printed copies of the Abstract Pro. of Legis Council showing the discussions on the Bill.

9/12/16 S.V.S

N.M.

For favour of approval

C. Sivasubramaniam Esqr

Esq

C.C.

Second Member

A. R. Thambiayah Esqr

Hon. Mudaliyar Rio

Draft Note of Submission is submitted for approval

C. Sivasubramaniam Esqr

Esq

T. R. Tangavarna Esqr

18/12/16

Sir, I have the honour to report that the proceedings of the meeting of the Legislative Council held on the 5th December 1916 has not been published in print as yet.

I have the honour to be, Sir, Your most obedient servant,

9/12/16

306

9.12.16.

Proof copy put up

CS

16/12/16

3508

12/16

Sir, I have the honour to be, Sir, Your most obedient servant,

18

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

90

12/12-B&C

Final Note by the ~~First~~ SECOND Member of Council.

Subject:—

The Bill to amend the Tank Panchayat Regulation, 1911, and the Minor Tank Restoration Bill.

×Page 18 of office notes.

The Bill to amend the Tank Panchayat Regulation, 1911, and the Minor Tank Restoration Bill have passed× through the Legislative Council in all its stages. The scope of the enactments is given in the statements× of objects and reasons attached to the Bills and the Bills as finally passed by the Legislative Council. Gracious sanction of His Highness is required to promulgate the Bills as law. A collection of papers showing the discussion in the Council during the several stages is submitted for reference

A. R. Banerji

Second Member of Council.

21

Submitted to His Highness.

* R

I submit herewith a Final Note by the Second Member of Council on the subject of promulgating as law the Bill to amend the Tank Panchayet Regulation, 1911, and the Minor Tank Restoration Bill for His Highnes' gracious approval.

BR

1916

1916

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Promulgation as law, of the Bill to amend the Tank Panchayat Regulation 1911, and the Minor Tank Restoration Bill.

Order.

~~K.R.W.~~

22/12/16

Sec Secretary

Sec Srikantaraj Urs

23/12

Order 23/12

Dewan Sir ~~V~~ Visvesvaraya Esqr

23

1430

JD 1233—GPB—60,000—1-12-16—S.

General and Revenue Secretariat.

Legis File No. 26. of 1915

Serial No.	
	Subd with an extra order to the compiler to publish the Bill Ch. S.V.S 26/12/16 Secretary Eg 27.12 G. Srinivasa Ayyar
3	To the compiler Nilgiris Gazette No J 2300, 28th Dec. 1916 Orders the publication of the Regulation to amend the Tank Panchayat Regulation 1911 and the Minor Tank Panchayat Regulation.

24

NOTE—Contn. sheet.

A note on the action necessary to be taken to give effect to minor tank restoration rules as sanctioned in Government Order No.R.5042-89/ L.R.408-14-1 dated 11th December 1914.

The Chief Engineer and the Comptroller have been requested to expedite action under paragraphs 8 and 10 of the Order respectively.

2. Legislation will have to be resorted to for making the consent of the majority binding on a dissentient minority, as contemplated in rules 17 & 18. An enactment on the lines indicated in the rough draft put up would perhaps meet the requirements sufficiently.

3. The Tank Panchayat Regulation provides machinery ready to hand wherever panchayats have been constituted, and it would be most advantageous, if the development of the Panchayats could

25 be

be made to keep pace with activities under the new scheme.

4. A few amendments as indicated below are however necessary to bring the Regulation into harmony with the rules.

5(i) Under section 2(2) a tank with an achkat of Rs.300/- is a major tank. Under rule I of the old restoration rules such a tank would be minor. The words not less than Rs.300/-", may be amended to "more than Rs.300/-".

(ii) Section 10 (1) is wide enough to admit of the inclusion of the 1/3 rd contributions by ryots and the 2/3rds share granted by Government into the Tank Fund. The Comptroller may be asked to examine the sufficiency of the accounts at present prescribed, and suggest other accounts which may be necessary for the proper control and audit of the expenditure.

26

(iii) Section 16 will have to be ----

amended as shown below:--

The words "with the exception of masonry and stone work" will have to go; and the words "under the rules in force on that behalf" substituted.

In sub section (2), the words "The masonry and stone work required will be executed by the Government at its cost" should be deleted, as the new rules have done away with the distinction between Government share and raiyats' share of the work.

5-2-15

6/4/15

27

Draft Enactment.

To facilitate the working of the scheme sanctioned by Government for the restoration of the minor tanks in the State, it is hereby enacted as follows:

(1) Wherever according to the rules in force, the consent of the holders of irrigated lands below a minor tank is necessary, for a particular operation or undertaking, consent on that behalf given in writing by the holders of not less than two-thirds of the irrigable lands below such minor tank before an officer not lower in rank than an Amildar or Deputy Amildar, shall be binding on all holders of irrigable lands below such minor tank in respect of the operation or undertaking for the purpose of which consent was required, and shall be enforceable --- against all such holders in the same manner as if each and every one of them had

(1) The amounts of contributions due from ryots under the rules in force for the restoration of minor tanks in the State shall be leviable as an arrear of revenue.

had given his or her individual consent thereto.

2 It shall be open to a holder to question the validity of proceedings under section 1 on a question of fact before the Deputy Commissioner, who shall thereupon hold a summary enquiry and record a decision ~~with~~ in his own hand.

3 From the Deputy Commissioner's order under section 2, an appeal shall lie to the Revenue Commissioner, whose decision shall be final.

4 Civil Courts shall exercise no jurisdiction in cases arising under this regulation.

4 215

6/4/15

29

12. Pl.-Bold

The Minor Tank Restoration Bill

Whereas it is expedient to facilitate the working of plan schemes for the restoration of minor tanks; His Highness the Maharaja is pleased to enact as follows:—

(1) This Regulation may be called the Minor Tank Restoration Regulation, 1915

(2) It extends to the whole of Mysore

(3) It shall come into force at once.

2. Whereon according to the entries in the Inam register, the consent of the holders of irrigated lands below a minor tank is necessary for a particular operation, or undertaking, consent on that behalf given on or on behalf of not less than two thirds of the irrigable lands below such minor tank before a Revenue Officer not below the rank of an Assistant Commissioner

* Minor tank for the purposes of this Regulation is a tank

2. Every tank which falls within the definition of a minor tank contained in S. 2 of the Tank P. Regn (1 of 1911) shall be a minor tank within the purview of this Regn.

3. Where the holders of not less than two-thirds of the area of irrigable lands under an existing minor tank or of lands likely to be irrigated by

1/2/15.

deemed to be
Amildar, shall be binding
on all holders of irrigable land
below such minor tank in
respect of such duration undertaking
~~for his purpose which~~, as if
each and every one of them had
given his ~~assent~~ individual
consent thereto.

3. The amount of contribution
due from ryots under the
rules on free petty restoration of
minor tanks shall be leviable
as an arrear of land revenue.

4. It shall be open to a holder
to question the validity of
proceedings under S.2 ~~regarding~~
of the ~~before the~~ Deputy Commissioner
who shall thereupon hold an
summary enquiry and render
decision in his ~~own~~ hand.

5. An appeal shall lie from
the Deputy Commissioner's order
under S.4 to the Rev. Commissioner
whose decision shall be final.

6. Civil Courts shall exercise
no jurisdiction in cases arising
under this Regulation.

a ~~proposed~~ minor tank
proposed to be con-
structed, agree to
~~the restoration and~~
~~to~~ Pay ~~their~~ a share of
the cost of such Construction
or restoration according to rules, such
~~agreement~~ agreement shall
be binding ~~on~~ upon the ~~the~~ occupants
of all such irrigable
lands, provided that
such Consent has been
recorded ~~by~~ before a Rev
Officer not lower in rank
than a Dy Asst, and
notice thereof has been
personally served
on ~~the~~ the occupants of
lands whose consent
has been withheld

framed by Govt
in this behalf

4. Any amount due
under this agreement shall
be leviable as if it were
arrears of land revenue

5. Within thirty days of
the notice of a service
under S.3, it shall be
open to a person on whom
such notice has been

Statement of Objects & Reasons

In order to give effect to the scheme recently sanctioned by Government with regard to the ~~re~~ transfer of mines, lands legislation is considered necessary ~~to~~ ~~effect~~ ~~the~~ ~~purpose~~ ~~of~~ ~~this~~ ~~Bill~~ ~~is~~ ~~two~~ ~~fold~~ ~~-~~ ~~(1)~~ ~~to~~ ~~provide~~ ~~for~~ ~~the~~ ~~payment~~ ~~of~~ ~~the~~ ~~royalty~~ ~~on~~ ~~minerals~~ ~~raised~~ ~~from~~ ~~the~~ ~~land~~ ~~transferred~~ ~~to~~ ~~the~~ ~~Government~~ ~~and~~ ~~(2)~~ ~~to~~ ~~provide~~ ~~for~~ ~~the~~ ~~payment~~ ~~of~~ ~~compensation~~ ~~to~~ ~~the~~ ~~owners~~ ~~of~~ ~~the~~ ~~land~~ ~~transferred~~ ~~to~~ ~~the~~ ~~Government~~ ~~-~~ ~~for~~ ~~the~~ ~~purpose~~ ~~of~~ ~~giving~~ ~~effect~~ ~~to~~ ~~the~~ ~~scheme~~ ~~recently~~ ~~sanctioned~~ ~~by~~ ~~Government~~ ~~with~~ ~~regard~~ ~~to~~ ~~the~~ ~~transfer~~ ~~of~~ ~~mines~~ ~~-~~ ~~lands~~ ~~legislation~~ ~~is~~ ~~considered~~ ~~necessary~~ ~~-~~ ~~(1)~~ ~~to~~ ~~provide~~ ~~for~~ ~~the~~ ~~payment~~ ~~of~~ ~~royalty~~ ~~on~~ ~~minerals~~ ~~raised~~ ~~from~~ ~~the~~ ~~land~~ ~~transferred~~ ~~to~~ ~~the~~ ~~Government~~ ~~and~~ ~~(2)~~ ~~to~~ ~~provide~~ ~~for~~ ~~the~~ ~~payment~~ ~~of~~ ~~compensation~~ ~~to~~ ~~the~~ ~~owners~~ ~~of~~ ~~the~~ ~~land~~ ~~transferred~~ ~~to~~ ~~the~~ ~~Government~~ ~~-~~ ~~two~~ ~~points~~ ~~-~~ viz. for ~~passing~~ the consent of the majority ~~of~~ ~~the~~ ~~minority~~, and for binding on the minority, and for ~~providing~~ the recovery of the amount by ~~compulsion~~ ~~from~~ the ryots as an arrear of land revenue. The Bill is intended ~~to~~ ~~provide~~ in this Subject.

Served to appeal to the Dy Cr, who shall thereupon after such enquiry as may be necessary, pass an order. The Rev Cr may on a petn by the party aggrieved may revise such order if it is manifestly illegal or inequitable; but otherwise, the Dy Cr's Order shall be final.

either ~~Uphold~~ Confirm ing the Notice ~~or~~ with or without modification, or withdrawing it.

31

14

12/2/1911

A Bill to amend the Idukki Panchayat Regulation, 1911.

Whereas it is expedient to amend the Idukki Panchayat Regulation 1911; His Highness the Maharaja is pleased to enact as follows:-

1. In sub Section (2) of Section 21 of the Regulation, for the words "not less than Rs 300" the words "more than Rs 300" shall be substituted.

2. For Section 46 paras (1) & (2) the following Section shall be substituted:-

"46 (1). with the approval of a majority of not less than two-thirds of the [Panchayat], a Idukki Panchayat may undertake the construction, restoration or improvement as the case may be, of [any minor] tank within the limits of the Panchayat on behalf of [the estimated cost of such work being advanced to the Panchayat by Government].

E.M

~~[this Regulation lands in a minor tank]~~

~~[the]~~

Draft
M.d E.M
agree

~~3. In sub-section (3) of S. 16, sub-section~~

3. In the first line "(3)" in sub-section (3) S. 16, the figure "(2)" shall be substituted.

Statement of Objects and Reasons.

—

Under the Rules issued in 1904 in connection with the retraction of minor tanks, a tank with an ayakat of 100 sq. is classed as minor, whereas under clause (2) of Section 2 of the Panchayat Regulation, such a tank is a major tank. The rules recently issued on the same subject abolishing the ~~rules~~ order that the ryots should do the earth work and Government the stone and masonry works. To bring these rules and the above Regulation into harmony with ~~each~~ each other, the Regulation is proposed to be amended.

33

1477

Rs 2/5

Draft-1

The Minor Tank Restoration Bill.

Whereas it is expedient to facilitate the working of the Schemes for the construction and restoration of minor tanks; His Highness the Maharaja is pleased to enact as follows:-

1. (1) This Regulation may be called the Minor Tank Restoration Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. Every tank which falls within the definition of a Minor tank contained in Section 2 of the Tank Panchayat Regulation, 1 of 1911, shall be a Minor tank within the purview of this Regulation.

3. Where the holders of not less than two thirds of the area of irrigable lands under an existing minor tank or of lands likely to be irrigated by a Minor tank proposed to be constructed, agree to pay a share of the cost of such construction ~~or restoration~~ according to rules framed by Government in this behalf, such agreement shall be binding on the occupants of all such irrigable lands, provided that such consent has been recorded before a Revenue Officer not lower in

rank than a Deputy Amildar, and notice thereof has been personally served on -- the occupants of lands whose consent has been withheld.

4. Any amount due under this agreement shall be leviable as if it were -- arrears of land revenue.

5. Within thirty days of the ~~notice of a~~ service of the order under Section 3, it shall be open to a person on whom such notice has been served to appeal to the Deputy Commissioner, who shall thereupon after such enquiry as may be necessary, pass an order either confirming the -- notice with or without modification, or withdrawing it. The Revenue Commissioner may, on a petition by the party aggrieved, ~~may~~ revise such order if it is manifestly illegal or inequitable; but otherwise, the Deputy Commissioner's order shall be final.

C N C

Statement of objects and reasons.

In order to give effect to the --- scheme recently sanctioned by Government with regard to the restoration of minor tanks, legislation is considered necessary on two points, viz for making the consent of the majority binding on the -- minority, and for the recovery of the amount of contribution due from the -- raiyats as an arrear of land revenue. The Bill is intended to provide for -- this object.

Es 28/7

36

C N C

NOTIFICATION.

No. 282—L. C., dated Bangalore, the 29th January 1916.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council the marginally noted Bills are published for general information with a statement of Objects and Reasons.

1. Bill to amend the Mysore Tank Panchayet Regulations, 1911, and 2. The Minor Tank Restoration Bill.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill to amend the Tank Panchayet Regulation, 1911.

Whereas it is expedient to amend the Tank Panchayat Regulation, 1911: His Highness the Maharaja is pleased to enact as follows:—

Amendment of sub-section (2) of section 2.

1. In Sub-Section (2) of Section 2 of the Regulation, for the words "not less than Rs. 300" the words "more than Rs. 300" shall be substituted.

Amendment of paragraphs (1) and (2) of section 16.

2. For Section 16 paragraphs (1) and (2) the following section shall be substituted:—

"16 (1) With the approval of a majority of not less than two-thirds of the raiyats, a Tank Panchayat may undertake the construction, restoration, or improvement as the case may be, of a minor tank under the rules in force on that behalf.

3. For the figure "(3)" in Sub-Section (3) of Section 16, the figure "(2)" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Under the Rules issued in 1904, in connection with the restoration of minor tanks, a tank with an atchkat of Rs. 300 is classed as minor, whereas under clause (2) of Section 2 of the Tank Panchayat Regulation, such a tank is a major tank. The rules recently issued on the same subject repeal the order that the raiyats should do the earthwork and Government the stone and masonry works. To bring these rules and the Regulation into harmony with each other, the Regulation is proposed to be amended.

The Minor Tank Restoration Bill.

Whereas it is expedient to facilitate the working of the Schemes for the construction and restoration of minor tanks; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Minor Tank Restoration Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Minor tank.

2. Every tank which falls within the definition of a minor tank contained in Section 2 of the Tank Panchayet Regulation, 1 of 1911, shall be a minor tank within the purview of this Regulation.

3. Where the holders of not less than two-thirds of the area of irrigable lands under an existing minor tank or of lands likely to be irrigated by a minor tank proposed to be constructed, agree to pay a share of the cost of restoration or construction according to rules framed by Government in this behalf, such agreement shall be binding on the occupants of all such irrigable lands, provided that such consent has been recorded before a Revenue Officer not lower in rank than a Deputy Amildar, and notice thereof has been personally served on the occupants of lands whose consent has been withheld.

Agreement of holders of two-thirds area to be binding on the others.

4. Any amount due under this agreement shall be leviable as if it were arrears of land revenue.

Recovery of dues.

5. Within thirty days of the service of the notice under Section 3, it shall be open to a person on whom such notice has been served to appeal to the Deputy Commissioner, who shall thereupon after such enquiry as may be necessary, pass an order either confirming the notice with or without modification, or withdrawing it. The Revenue Commissioner may, on a petition by the party aggrieved, revise such order if it is manifestly illegal or inequitable; but otherwise, the Deputy Commissioner's order shall be final.

Appeal.

STATEMENT OF OBJECTS AND REASONS.

In order to give effect to the scheme recently sanctioned by Government with regard to the restoration of minor tanks, legislation is considered necessary on two points, *viz.*, for making the consent of the majority binding on the minority, and for the recovery of the amount of contribution due from the raiyats as an arrear of land revenue. The Bill is intended to provide for this object.

G.R.S. 26]

SUBJECT Forwarding the Minor Bank Restoration Bill and the Bill to amend the Mysore Bank Panchayet Regn. 1911. to the Residency for information

Diary No. of letter replied to

Section Legis
File No. 26.15
Serial No. 1

General and Revenue Secretariat

( )

the 191

Dy. No. 3508 dated 20.11.15.

Date of issue

Signed by Dewan.

To the Hon'ble the Resident in Mysore

My dear Sir

I enclose herewith copies of the Minor Bank Restoration Bill and the Bill to amend the Mysore Bank Panchayet Regulation, 1911. The statements of objects and reasons that accompany the Bills explain the scope and purpose of the measures. The Bills will be placed

over.

(1)

before the (Mysore) Legis-
lative Council in due
course

Yours sincerely

H D
Dewan

20-11-15

No. 3. Date 19th Nov 15

The Hon'ble Col
Sir Hugh Daly, K.C.I.E., C.S.I.
Resident in Mysore

Mr
15/11/15

List of enclosures.

Copied by

Examined by

GPB—20,000—14-2-14

Secretary to Legis 26-15-2 J 14450

D. O. No. Jr 3094

D.O. No. 8540. dated 25.11.15 from 26/11 B.M.

THE MYSORE RESIDENCY,

Bangalore, 25.11 1915.

from the First Assistant to the Hon'ble the Resident in Mysore 27/11

My dear Dewan Sahib

I am desired to acknowledge the receipt of your D.O. letter No. 3508, dated the 20th November 1915, forwarding copies of the Minor Tank Restoration Bill and the Bill to amend the Mysore Tank Panchayat Regulation, 1911, and in reply to say that the Resident sees no prima facie objection to the Bills being laid before the Legislative Council.

(2)

Yours sincerely

ARCy

Sir M. Visvesvaraya, K.C.I.E.,

Dewan of Mysore.

39

NOTIFICATION.

No. 1—L. C., dated 1st July 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee appointed to consider the Bill to amend the Tank Panchayet Regulation, 1911, is published for general information together with the Bill as amended by them.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Tank Panchayet Regulation, 1911.

We, the Members of the Select Committee appointed to consider the Bill to amend the Tank Panchayet Regulation, 1911, have the honour to submit the following report to the Council:—

We have carefully considered the Bill and have made the following amendments therein:—

Clause 2.—The definition of the word "raiyats" in the Regulation is very wide and includes even tenants and others who do not hold any wet lands under the tank. As it is desirable to limit the sphere of the raiyats entitled to give consent to the raiyats holding wet lands under the tank, we have added the following words after the word "raiyats" in clause 2, *viz.*, "and holding in the aggregate not less than half the occupied area of the wet lands under the tank."

The other alterations made are merely verbal.

The Bill as amended by us may be published in the *Mysore Gazette.*

A. R. BANERJI.
K. S. DORASWAMI IYER.
C. S. DORASWAMI IYER.
B. NARASINGA RAO.
B. K. GARUDACHAR.

A Bill to amend the Tank Panchayet Regulation, 1911.

(*As amended by the Select Committee.*)

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Whereas it is expedient to amend the Tank Panchayet Regulation, 1911; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Sub-section (2) of Section 2.

1. In Sub-section (2) of Section 2 of the Regulation, for the words "not less than Rs. 300 *and shall also include,*" the words "more than Rs. 300 *and includes*" shall be substituted.

Amendment of paragraphs (1) and (2) of Section 16.

2. For Section 16, paragraphs (1) and (2) the following section shall be substituted:—

"16 (1) with the approval of a majority of not less than two-thirds of the raiyats, *and holding in the aggregate not less than half the occupied area of wet lands under the tank,* a Tank Panchayet may undertake the construction, restoration, or improvement as the case may be, of a minor tank under the rules [in force on that] *framed by Government in this* behalf

3. For the figure "(3)" in Sub-section (3) of Section 16, the figure "(2)" shall be substituted.

NOTIFICATION.

No. 2—L. C., dated 1st July 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee appointed to consider the Minor Tank Restoration Bill is published for general information, together with the Bill as amended by them.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Minor Tank Restoration Bill.

We, the members of the Select Committee appointed to consider the Minor Tank Restoration Bill, have the honour to submit the following report to the Council together with the Bill as amended by us.

We have carefully considered the Bill and have made the following amendments therein :—

Preamble.—As the scheme sanctioned by the Government in 1914, relates only to restoration and improvement of tanks and not to the construction of a new tank, it is desirable to limit the scope of the Bill to restoration and improvement of tanks only, and we have therefore slightly amended the preamble and clause 3.

Clauses 4 and 5.—As it is desirable that the orders of the Deputy Commissioner should be made final we have substituted the following new clause for clause 5 renumbering it as clause 4, the present clause 4 being renumbered as clause 5 :—

"4. At any time within thirty days from the date of the notification of the agreement published in the village, application may be made to the Deputy Commissioner objecting to the agreement on the ground of some irregularity, mistake or fraud in recording it. On the expiry of thirty days from the date of publication in the village, if no such application is received or if such application is made and rejected, the Deputy Commissioner shall make an order confirming the agreement and his order shall be final."

Appeal.

The other alterations made are merely verbal.

The Bill as amended by us may be published in the *Mysore Gazette.*

A. R. BANERJI.
K. S. DORASWAMI IYER.
C. S. DORASWAMI IYER.
B. NARASINGA RAO.
B. K. GARUDACHAR.

The Minor Tank Restoration Bill.

(As amended by the Select Committee.)

[The portions in square brackets are those omitted and those in italics newly added by the Select Committee.]

Whereas it is expedient to facilitate the working of the schemes for the [construction and] restoration *and improvement* of minor tanks; His Highness the Maharaja is pleased to enact as follows :—

Title, extent and commencement.

1. (1) This Regulation may be called the Minor Tank Restoration Regulation.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. Every tank which falls within the definition of a minor tank contained in Section 2 of the Tank Panchayet Regulation, I of 1911, shall be a minor tank within the purview of this Regulation.

Minor tank.

3. Where the holders of not less than two-thirds of the area of irrigable lands under an existing minor tank [or of lands likely to be irrigated by a minor tank proposed to be constructed] agree to pay a share of the cost of restoration or [construction] *improvement* according to rules framed by Government in this behalf, such agreement shall be binding on the occupants of all such irrigable lands, provided that such [consent] *agreement* has been recorded before a Revenue Officer not lower in rank than a Deputy Amildar. [and notice thereof has been personally served on the occupants of lands whose consent has been withheld.]

Agreement of holders of two-thirds area to be binding on the others.

4. At any time within thirty days from the date of the notification of the agreement published in the village, application may be made to the Deputy Commissioner objecting to the agreement on the ground of some irregularity, mistake or fraud in recording it. On the expiration of thirty days from the date of publication in the village, if no such application is received or if such application is made and rejected the Deputy Commissioner shall make an order confirming the agreement and his order shall be final.

Appeal.

[4]. 5. Any amount due under this agreement shall be leviable as [if it were] *an* arrear [s] of land revenue

Recovery of dues.

[5. Within thirty days of the service of the notice under Section 3, it shall be open to a person on whom such notice has been served to appeal to the Deputy Commissioner, who shall thereupon after such enquiry as may be necessary, pass an order either confirming the notice with or without modification, or withdrawing it. The Revenue Commissioner may, on a petition by the party aggrieved, revise such order if it is manifestly illegal or inequitable; but otherwise, the Deputy Commissioner's order shall be final.]

Appeal.

20-2201

G...S. 28]

27/12

Diary No. of letter replied to

Legs File No. 26-15
Serial No. 3

GENERAL AND REVENUE SECRETARIAT.
( )

Proceedings of the Government of His Highness the Maharaja of Mysore

the 191

READ—

Date of issue 28/12/16

Signed by M V G Srinivasa

Encls

May this be

i printed?

ii treated as a standing order?

iii published in the Gazette English part? (3)

iv translated?

v placed at the disposal of the Press?

vi published in the Gazette Kannada part?

ORDER THEREON.—No. 2300 dated 28th December 1916

Ordered that the accompanying Regulations (A Regn to amend the Tank Panchayet Regulation, 1911, and

over.

SUBJECT.

42

GPB—50,000—1-12-12

the Minor Bank Restoration
Regulation) which received
the assent of His Highness
~~Highness~~ the Maharaja on
the 22nd December 1916,
be published in the Mysore
Gazette, for general information
as Regulations XII and XIII
of 1916.

Sd/ V.V.
for Secretary to Govt.
E.D.

To the Compiler, Mysore
Gazette for publication in English
and in Kannada in Part III
of the Gazette and for supplying
200 copies in English and 100 in
Kannada to this office and 100
in English and 100 in Kannada
to the Curator Govt. Book Depot
Bangalore. Proof should be
sent to this office for approval
before promulgation

REGULATION No. XII OF 1916.

(Received the assent of His Highness the Maharaja on the 22nd day of December 1916.)

A Regulation to amend the Tank Panchayet Regulation.

Whereas it is expedient to amend the Tank Panchayet Regulation, 1911; His Highness the Maharaja is pleased to enact as follows:—

Amendment of sub-section (2) of Section 2.

1. In sub-section (2) of Section 2 of the Regulation for the words "not less than Rs. 300 and shall also include," the words "more than Rs. 300 and includes" shall be substituted.

Amendment of paragraphs (1) and (2) of Section 16.

2. For Section 16, paragraphs (1) and (2) the following section shall be substituted:—

"16 (1) With the approval of a majority of not less than two-thirds of the raiyats, and holding in the aggregate not less than half the occupied area of wet lands under the tank, a Tank Panchayet may undertake the construction, restoration, or improvement as the case may be, of a minor tank, under the rules framed by Government in this behalf.

3. For the figure "(3)" in sub-section (3) of Section 16, the figure "(2)" shall be substituted.

M. VISVESVARAYA,
Dewan.

43

REGULATION No. XIII OF 1916.

(Received the assent of His Highness the Maharaja on the 22nd day of December 1916.)

The Minor Tank Restoration Regulation.

Whereas it is expedient to facilitate the working of the schemes for the restoration and improvement of minor tanks; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called the Minor Tank Restoration Regulation, 1916.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Minor tank.

2. Every tank which falls within the definition of a minor tank contained in Section 2 of the Tank Panchayet Regulation, I of 1911, shall be a minor tank within the purview of this Regulation.

Agreement of holders of two-thirds area to be binding on the others.

3. Where the holders of not less than two-thirds of the area of irrigable lands under an existing minor tank agree to pay a share of the cost of restoration or improvement according to rules framed by Government in this behalf, such agreement shall be binding on the occupants of all such irrigable lands, provided that such agreement has been recorded before a Revenue Officer not lower in rank than a Deputy Amildar.

Appeal.

4. At any time within thirty days from the date of the notification of the agreement published in the village, application may be made to the Deputy Commissioner objecting to the agreement on the ground of some irregularity, mistake or fraud in recording it. On the expiration of thirty days from the date of publication in the village, if no such application is received or if such application is made and rejected the Deputy Commissioner shall make an order confirming the agreement and his order shall be final.

Recovery of dues.

5. Any amount due under this agreement shall be leviable as an arrear of land revenue.

M. VISVESVARAYA,
Dewan

No. - 2D: 2201 GPB: - 1-1-23